

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. CAIRNS,

Plaintiff,

vs.

JAMES KOZEL,

Defendant.

8:20CV162

ORDER

Plaintiff has submitted a 106-page pile of paper, which the clerk of the court has filed as a restricted document and docketed as a “motion for discovery” (Filing 31). The court has reviewed this filing, but does not find that Plaintiff is requesting any relief from the court, which is the hallmark of a motion. *See* Fed. R. Civ. P. 7(b). Instead, the document consists of discovery materials (pages 1-22) and evidentiary materials (pages 23-106), none of which should be filed with the court. Discovery requests and responses must be served directly upon the opposing party. *See* Fed. R. Civ. P. 33-36. Our local rules further specify that discovery materials “must not be filed until needed for trial, resolution of a motion, or on the court’s order.” NECivR 5.4(a). Absent a pending motion, there also is no reason to file evidentiary materials. *See* NECivR 7.1. To the extent that any of the materials submitted are intended to amend or supplement Plaintiff’s pleadings, this cannot be done without a court order or the opposing party’s written consent. *See* Fed. R. Civ. P. 15; NECivR 15.1. In short, Plaintiff’s Filing 31 is an improper filing.

IT IS THEREFORE ORDERED that Plaintiff’s Filing 31 shall be stricken from the court file.

Dated this 23rd day of March, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge